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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/575,387	05/14/2007	Marck Gawel	298-310	9029
28349 7590 07/25/2008 DILWORTH & BARRESE, LLP 333 EARLE OVINGTON BLVD. SUITE 702 UNIONDALE, NY 11553				
EXAMINER				
LIM, SENG HENG				
ART UNIT		PAPER NUMBER		
3714				
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07/25/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/575,387

Applicant(s)

GAWEL ET AL.

Examiner

SENG H. LIM

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6 and 8-27 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 6 and 8-27 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/CDC)
4) ☐ Interview Summary (PTO-413)
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____
Paper No(s)/Mail Date _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 13-15, 18, 20-21, 23-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. These claims are dependents of canceled claim 7. For the purpose of further examination, the Office assumes these claims are dependents of claim 6.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 6-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Palmer (GB 2326505 A) in view of Phillips (GB 2300062 A).

Regarding claim 6-8, 13-16, 21-24: Palmer discloses a gaming machine comprising of a gaming machine cabinet (1) and front wall structure (i.e. doorframe) (7) with mounted display panel with at least two peripheral devices such as monitors viewable through at least one opening in the front wall structure when it is in closed position (3:17-4:11), wherein the two display monitors are positioned one above the other at an angle relative to each other (4:19-21), and the front wall structure below the two display monitors with a game control panel running from one edge of the front wall structure to the other or is inclined with respect to the two display monitors (Fig. 1 & 2). The front wall structure is movably mounted via a hinge joint to hold the wall structure in its open position (4:14-16). The display panel includes a section for each display means to be viewed there through, each section has a pair of two like shaped side walls, top and bottom planar end walls, a lower front wall and an upper front wall structure, either the top or base side of each section being substantially shared by another section of the open portal (Fig. 1 & 2), and the pair of side walls angles for each section are at an angle to at least one other section of the pair of side walls when the front wall structure is viewed from the front (Fig. 1 & 2). Access to the display monitors is implicitly achieved by opening the front wall structure.

Palmer does not disclose the display monitors being affixed to the front wall structure.

Phillips discloses a display device being mounted or affixed on the panels/doorframe so as to be removable with the panel/doorframe (3:26-27). Palmer and Phillips are analogous art because they are from the similar technical difficulty of having an openable front panel. At the time of invention a person of ordinary skill in the art would have found it obvious to incorporate Phillips's mounted display to the panels ideal into Palmer and would have been motivated to do so because they are equivalent alternatives of one another and serves the same purpose.

Palmer and Phillips disclose the claimed invention except for the game control panel being inclined with respect to the two displays positioned above said game control

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panel. It would have been an obvious matter of design choice to incline the game control panel from the displays, since applicant has not disclosed that doing so solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with Palmer and Phillips' control panel design.

Regarding claim 9-12, 17-20, 25: Palmer disclose the front wall structure comprises of two separate open portals (Fig. 1: 19, 20) with an angle there between to allow viewing of the two display monitors. The open portal includes a section for each display means to be viewed there through, each section has a pair of two like shaped side walls, top and bottom planar end walls, a lower front wall and an upper front wall structure, either the top or base side of each section being substantially shared by another section of the open portal (Fig. 1 & 2), and the pair of side walls angles for each section are at an angle to at least one other section of the pair of side walls when the front wall structure is viewed from the front (Fig. 1 & 2). Access to the display monitors is implicitly achieved by opening the front wall structure.

Palmer does not disclose the machine comprising of only one open portal provided for at least two displays; however, the office takes Official Notice that it is well known in the art to have only one open portal provided for two displays. At the time of invention a person of ordinary skill in the art would have found it obvious to have only one open portal provided for two displays and would have been motivated to do so because they are equivalent alternatives of one another.

Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Palmer (GB 2326505 A).

Palmer discloses a gaming machine, comprising: a gaming machine cabinet (1) and front wall structure (i.e. doorframe) (7) attached thereto, said doorframe being moveable between an open and closed position with respect to the gaming machine cabinet (4:14-16); at least two display panels in a vertical contiguous relationship affixed to said gaming machine cabinet to be viewable through at least one opening in said doorframe when said doorframe is in a closed position, wherein each of said at least

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two display panels is oriented at an obtuse angle with respect to the adjacent display panel (4:19-21).

Palmer discloses the claimed invention except for having the third display panel. It would have been obvious to one having ordinary skill in the art at the time the invention was made to add a third display panel, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Palmer (GB 2326505 A) in view of Phillips (GB 2300062 A).

Palmer discloses a gaming machine comprising: a gaming machine cabinet (1) and a front wall structure (i.e. doorframe) (7) attached thereto, at least two display monitors placed behind said doorframe at an interior space of said cabinet so as to be viewed through at least one opening in said doorframe when said doorframe is in its closed position(3:17-4:11), wherein said two display monitors are positioned one above the other at an obtuse angle relative to each other (4:19-21), and wherein said doorframe is provided below said two display monitors with a game control panel extending laterally from one side edge of the doorframe to another side edge (Fig. 1 & 2).

Palmer does not disclose said two display monitors are securely affixed to said doorframe and said doorframe is supported on said gaming machine cabinet by means of a hinge so as to open and close said doorframe together with the two display monitors and the game control panel relative to said gaming machine cabinet, and wherein said doorframe includes a rim extending upright alongside of the monitors and the game control panel, said rim having a straight edge along the entire doorframe height, and snugly fitting to the gaming machine cabinet, wherein said hinge is affixed to the full length of said rim and an inner wall of the gaming machine cabinet and said hinge having a reinforcement to support the weight of the doorframe with the monitors and the game control panel affixed thereto. Phillips disclose an alternative design where two display monitors are being securely affixed to the doorframe and said doorframe is

supported on said gaming machine cabinet by means of a hinge so as to open and close said doorframe together with the two display monitors and the game control panel relative to said gaming machine cabinet (Page 3, line 26 – Page 4, line 5), and wherein said doorframe includes a rim extending upright alongside of the monitors and the game control panel, said rim having a straight edge along the entire doorframe height, and snugly fitting to the gaming machine cabinet, wherein said hinge is affixed to the full length of said rim and an inner wall of the gaming machine cabinet and said hinge having a reinforcement to support the weight of the doorframe with the monitors and the game control panel affixed thereto (Page 4, line 28—Page 5, line 6) by having a lockable structure for security reasons.

Palmer and Phillips disclose the claimed invention except for the game control panel being inclined with respect to the two displays positioned above said game control panel. It would have been an obvious matter of design choice to incline the game control panel from the displays, since applicant has not disclosed that doing so solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with Palmer and Phillips' control panel design.

Response to Arguments

Applicant's arguments filed 4/11/2008 have been fully considered but they are not persuasive.

Re claim 6: Applicant argues that Palmer and Phillips do not disclose three panels at angular orientation to each other. The Office disagrees because it would have been obvious to one having ordinary skill in the art at the time the invention was made to add a third display panel, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Re newly added claims 26 & 27: Please see above for detailed explanation of rejection.

Furthermore, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which

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applicant relies (i.e., maintenance duties) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Seng H. Lim whose telephone number is 571-270-3301. The examiner can normally be reached on 8:30-6:00, Monday-Friday, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on 571-272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Seng H Lim/

Examiner, Art Unit 3714

July 7, 2008

/XUAN M. THAI/

Supervisory Patent Examiner, Art Unit 3714